

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cr-10111

United States of America

v.

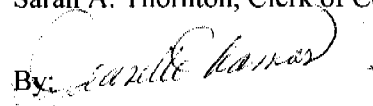
Alfred G. Ryan

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original electronic copies and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 4/7/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on May 3, 2005.

Sarah A. Thornton, Clerk of Court

By: 
Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 5/3/05.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10111-MEL-2**

Case title: USA v. Anderson et al

Date Filed: 04/09/2004

Assigned to: Judge
Morris E. Lasker
Referred to: Magistrate
Judge Robert B. Collings

Defendant**Alfred G. Ryan (2)****TERMINATED:**

03/18/2005

represented by **John A. Amabile**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment*

Pending Counts

21:846-CONSPIRACY
TO DISTRIBUTE
COCAINE BASE
(8)

Disposition

That the defendant is hereby
committed to the custody of the
United States Bureau of Prisons to

21:846 CONSPIRACY
TO DISTRIBUTE
Cocaine Base
(8s)

be imprisoned for a term of 57 months. On each count, to be served concurrently. The defendant is to be credited with time served from 4/15/04. The defendant is remanded to the custody of the United States Marshall. Upon release from imprisonment the defendant shall be on supervised release for a term of 6 years . On each count to run concurrently. That the defendant shall comply with the standard conditions of supervised release, plus the special conditions of supervised release as follows: That the defendant shall not possess a firearm, destructive device, or any other dangerous weapon. That the defendant shall submit to the collection of a DNA sample as directed by the Probation Officer. That the defendant is to participate in a program for substance abuse treatment as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay, or availability of third-party payment. If ordered deported, the

defendant is to leave the United States and is not to return without prior permission of the Secretary of the Department of Homeland Security. Assessment in the amount of \$200.00 which is due immediately. No fine is imposed, based on the Court's finding that the defendant is unable to pay a fine. The defendant is informed of his right to appeal.

21:841 (a)(1)-
DISTRIBUTION OF
COCAINE BASE; 21
U.S.C.860 (a)-
PLAYGROUND ZONE
VIOLATION;18 U.S.C.2-
AIDING AND
ABETTING
(10)

That the defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 57 months. On each count, to be served concurrently. The defendant is to be credited with time served from 4/15/04. The defendant is remanded to the custody of the United States Marshall. Upon release from imprisonment the defendant shall be on supervised released for a term of 6 years . On each count to run concurrently. That the defendant shall comply with the standard conditions of supervised

21:841(a)(1) Distribution
of Cocaine Base; 21:860
(a) Playground Zone
Violation 18:2 Aiding and
Abetting
(10s)

release, plus the special conditions of supervised release as follows: That the defendant shall not possess a firearm, destructive device, or any other dangerous weapon. That the defendant shall submit to the collection of a DNA sample as directed by the Probation Officer. That the defendant is to participate in a program for substance abuse treatment as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay, or availability of third-party payment. If ordered deported, the defendant is to leave the United States and is not to return without prior permission of the Secretary of the Department of Homeland Security. Assessment in the amount of \$200.00 which is due immediately. No fine is imposed, based on the Court's finding that the defendant is unable to pay a fine. The defendant is informed of his right to appeal.

Highest Offense Level

(Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

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LEAD ATTORNEY

ATTORNEY TO BE

NOTICED

Date Filed	#	Docket Text
04/08/2004	 1	SEALED INDICTMENT as to Jermaine Anderson (1) count(s) 1, 2, 3, 5-6, 7, Alfred G. Ryan (2) count(s) 8, 10, Corey Smith (3) count(s) 2, 3, 4, 7, 8, 9, 10. (Diskes, Sheila) Modified on 4/14/2004 (Catino3, Theresa). (Entered: 04/09/2004)
04/08/2004	 2	MOTION to Seal Case as to Jermaine Anderson, Alfred G. Ryan, Corey Smith by USA. (Diskes, Sheila) (Entered: 04/09/2004)
04/08/2004		Judge Marianne B. Bowler : Electronic ORDER entered granting [2] Motion to Seal Case as to Jermaine Anderson (1), Alfred G. Ryan (2), Corey Smith (3) (Diskes, Sheila) (Entered: 04/09/2004)
04/08/2004		Arrest Warrant Issued as to Jermaine Anderson, Alfred G. Ryan, Corey Smith. (Diskes, Sheila) (Entered: 04/09/2004)
04/08/2004	 3	Judge Morris E. Lasker : ORDER entered ORDER REFERRING CASE to Magistrate Judge Robert B. Collings Reason for referral: Pretrial as to Jermaine Anderson, Alfred G. Ryan, Corey Smith (Diskes, Sheila) (Entered: 04/09/2004)
04/12/2004	 4	MOTION to Amend typographical errors in 1 Indictment (Sealed) as to Jermaine Anderson, Alred G. Ryan, Corey Smith by USA. (Smith3, Dianne) Modified on 4/12/2004 (Smith3, Dianne). (Entered: 04/12/2004)

		04/12/2004)
04/13/2004	●	Judge Morris E. Lasker : Electronic ORDER entered granting [4] Motion to Amend as to Jermaine Anderson (1), Alfred G. Ryan (2), Corey Smith (3) (Catino3, Theresa) (Entered: 04/14/2004)
04/14/2004	●5	Arrest Warrant Issued as to Alfred G. Ryan. (Diskes, Sheila) (Entered: 04/14/2004)
04/15/2004	●6 c	MOTION to Unseal Case as to Jermaine Anderson, Alfred G. Ryan, Corey Smith by USA. (Smith3, Dianne) (Entered: 04/15/2004)
04/15/2004	●	Judge Robert B. Collings : Endorsement on motion ORDER entered granting 6 Motion to Unseal Case as to Jermaine Anderson (1), Alfred G. Ryan (2), Corey Smith (3) (Smith3, Dianne) (Entered: 04/15/2004)
04/15/2004	●	Attorney update in case as to Jermaine Anderson, Alfred G. Ryan, Corey Smith. Attorney David G. Tobin for USA added. (Affsa, Gina) (Entered: 04/15/2004)
04/15/2004	●11 c	Writ of Habeas Corpus ad Prosequendum Issued as to Alfred G. Ryan for April 26, 2004 at 2:30 PM. (Affsa, Gina) (Entered: 04/16/2004)
04/16/2004	●	Attorney update in case as to Alfred G. Ryan. Attorney John A. Amabile for Alfred G. Ryan added. (Affsa, Gina) (Entered: 04/22/2004)
04/16/2004	●25	Judge Robert B. Collings : CJA 20 as to Alfred G. Ryan: Appointment of Attorney John A. Amabile for Alfred G. Ryan. (Affsa, Gina) (Entered: 05/06/2004)
04/21/2004	●	electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Initial Appearance as to Alfred G. Ryan held on 4/21/2004; Peter Levitt for the Govt.; September Brown for Pretrial; Atty. John Amabile not present; Miriam Conrad standing in for initial appearance; Deft, informed of charges, rights

		and right to counsel; Deft. completes financial affidavit and court orders the appointment of counsel; Defense counsel asks the questions be deferred pending appearance of Atty. Amabile; Govt. moves for detention and continuance; Detention and arraignment set before MJ Collings on Monday, April 26, 2004 at 2:30 PM; Deft. remanded to the custody of the U.S. Marshals. (Tape #digital.) (Saccoccio, Dianalynn) (Entered: 04/21/2004)
04/21/2004	16	CJA 23 Financial Affidavit by Alfred G. Ryan (Affsa, Gina) (Entered: 04/26/2004)
04/23/2004	17	Arrest Warrant Returned Executed on 04/21/04. as to Alfred G. Ryan. (Howarth, George) (Entered: 04/26/2004)
04/26/2004		Electronic Clerk's Notes for proceedings held before Judge Robert B. Collings: Arraignment as to Jermaine Anderson (1) Count 1,2,3,5-6,7 and Alfred G. Ryan (2) Count 8,10 and Corey Smith (3) Count 2,3,4,7,8,9,10 held on 4/26/2004. All defendants plead not guilty to all counts. An initial status conference is set for June 17th, 2004 at 2:00 PM. Defendants Anderson & Ryan move to continue the matter to May 4, 2004 at 10:30 a.m. Court allows continuance. These defendants will be interviewed by pretrial immediately following this hearing. Detention Hearing as to Corey Smith goes forward at this time. Milton Police Officer George MacLaughlin testifies on behalf of the gov't. The gov't refers to a chalk of the Warren Gardens area. The defense seeks to have Mr. Smith put into inpatient drug treatment. The court is willing to do same at the request of pretrial services. The case is set for a release hearing on Wed., April 28th, 2004 at 12:30 PM. (Digital recording) (Affsa, Gina) (Entered: 04/26/2004)
04/27/2004	18	Judge Robert B. Collings : MEMORANDUM AND

		ORDER entered as to Alfred G. Ryan (Affsa, Gina) (Entered: 04/27/2004)
05/04/2004	23	EXHIBIT/WITNESS LIST regarding detention hearing of Jermaine Anderson, Alfred G. Ryan (Affsa, Gina) (Entered: 05/04/2004)
05/04/2004		<ul style="list-style-type: none"> Electronic Clerk's Notes for proceedings held before Judge Robert B. Collings: Detention Hearing as to Jermaine Anderson and Alfred G. Ryan held on 5/4/2004. Gov't concludes its direct exam of the witness, Officer Greg Brown. Mr. Underhill begins his cross exam on behalf of Defendant Anderson and it is discovered that he has not been given reports which fall under Jencks Act materials. He moves to continue this hearing until after he receives and reviews the reports. The court allows his motion and continues the matter as to Defendant Anderson to Monday, May 10, 2004 at 11:00 a.m. Mr. Amabile concludes his cross exam on behalf of Mr. Ryan. The pretrial services officer will interview his girlfriend as a potential third party custodian and then upon the court's review of the report a decision as to Mr. Ryan will be issued. (Digital Recording) (Affsa, Gina) (Entered: 05/04/2004)
05/11/2004	26	Judge Robert B. Collings : ORDER OF DETENTION PENDING TRIAL as to Alfred G. Ryan (Affsa, Gina) (Entered: 05/12/2004)
05/13/2004	27	Judge Robert B. Collings : AMENDED MEMORANDUM AND ORDER OF DETENTION as to Alfred G. Ryan. (Dolan, Kathleen) (Entered: 05/13/2004)
06/17/2004		<ul style="list-style-type: none"> Electronic Clerk's Notes for proceedings held before Judge Robert B. Collings: Initial Status Conference as to Jermaine Anderson, Alfred G. Ryan, Corey Smith held on 6/17/2004. Defendants were given a list of 49 audio and 38 video tapes. They are looking into the

		ones that they will need. The court suggests they order one complete copy of all the tapes and then share them among the three of the defense attorneys. The court allows counsel until August 6th to file motions. At this time it is not known whether or not there will be a trial but, Defendant Ryan believes it is likely. The final status conference is set for August 11th, 2004 at 2:15 PM. Time shall be excluded until August 6th. (Digital Recording) (Affsa, Gina) (Entered: 06/17/2004)
06/17/2004	31	Judge Robert B. Collings : REPORT AND ORDER on Initial Status Conference as to Jermaine Anderson, Alfred G. Ryan, Corey Smith (Affsa, Gina) (Entered: 06/23/2004)
06/17/2004	32	Judge Robert B. Collings : ORDER ON EXCLUDABLE DELAY as to Jermaine Anderson, Alfred G. Ryan, Corey Smith (Affsa, Gina) (Entered: 06/23/2004)
06/17/2004	33	Judge Robert B. Collings : ORDER FOR FINAL STATUS CONFERENCE entered as to Jermaine Anderson, Alfred G. Ryan, Corey Smith (Affsa, Gina) (Entered: 06/23/2004)
08/11/2004		Electronic Clerk's Notes for proceedings held before Judge Robert B. Collings :Interim Status Conference as to Jermaine Anderson, Alfred G. Ryan, Corey Smith held on 8/11/2004. At the request of the parties, the Court converts the Final Status Conference to an Interim Status Conference and schedules the case for Final Status Conference. Final Status Conference set for 9/17/2004 02:30 PM in Courtroom 14 before Robert B. Collings. (Tape #Digital Recording.) (Brown, Rex) (Entered: 08/11/2004)
09/16/2004	35	STATUS REPORT by Corey Smith as to Jermaine Anderson, Alfred G. Ryan, Corey Smith (Bourbeau, Michael) (Entered: 09/16/2004)

09/16/2004	36	Addendum to Joint Final Status Conference Report by USA as to Jermaine Anderson, Alfred G. Ryan, Corey Smith 35 Status Report filed by Corey Smith (Howarth, George) (Entered: 09/21/2004)
09/17/2004		Electronic Clerk's Notes for proceedings held before Magistrate Judge Robert B. Collings :Final Status Conference as to Jermaine Anderson, Alfred G. Ryan, Corey Smith held on 9/17/2004. Defense counsel(s) indicate some discovery still outstanding and all three defendants plan on a trial which will take up to 15 days. Court grants until October 8, 2004 for non-discovery motions and will refer the case to district court judge for Pre-trial on or after October 25, 2004. (Digital Recording.) (Russo, Noreen) (Entered: 09/20/2004)
09/17/2004	37	Magistrate Judge Robert B. Collings : ORDER entered FURTHER ORDER ON EXCLUDABLE DELAY as to Jermaine Anderson, Alfred G. Ryan, Corey Smith. Time excluded from 8/4/2004 until 9/17/2004. Time excluded from 9/17/2004 until 9/17/2004. Time excluded from 9/18/2004 until 10/08/2004. (Russo, Noreen) (Entered: 09/23/2004)
09/17/2004	38	Magistrate Judge Robert B. Collings : ORDER entered ORDER AND RECOMMENDATION after Final Status Conference Pursuant to Local Rule 116.5(c) as to Jermaine Anderson, Alfred G. Ryan, Corey Smith. (Russo, Noreen) (Entered: 09/23/2004)
09/21/2004		Case as to Jermaine Anderson, Alfred G. Ryan, Corey Smith no longer referred to Magistrate Judge Robert B. Collings. (Russo, Noreen) (Entered: 09/23/2004)
09/27/2004		NOTICE OF HEARING as to Jermaine Anderson, Alfred G. Ryan, Corey Smith Pretrial Conference set for 10/26/2004 11:00 AM in Courtroom 8 before Morris E. Lasker. (Howarth, George) (Entered: 09/27/2004)

10/26/2004	•	ELECTRONIC Clerk's Notes for proceedings held before Judge Morris E. Lasker :Pretrial Conference as to Jermaine Anderson, Alfred G. Ryan, Corey Smith held on 10/26/2004.Counsel agree to date for trial as January 3, 2005 at 9:00 a.m. Pretrial Order to issue (Court Reporter Richard Romanow.) (Howarth, George) (Entered: 10/27/2004)
10/26/2004	•39	Judge Morris E. Lasker : ORDER entered PRETRIAL ORDER as to Jermaine Anderson, Alfred G. Ryan, Corey Smith Time excluded from 10/26/04 until 01/03/05. Exhibit List due by 12/29/2004. Expert Witness List due by 12/3/2004. Jury Trial set for 1/3/2005 09:00 AM before Morris E. Lasker. Pretrial Conference set for 12/28/2004 02:00 PM in Courtroom 8 before Morris E. Lasker.For full test see docket no.39 (Howarth, George) (Entered: 10/27/2004)
10/28/2004	•40	SUPERSEDING INDICTMENT as to Jermaine Anderson (1) count(s) 1s, 2s, 3s, 5s-6s, 7s, Alfred G. Ryan (2) count(s) 8s, 10s, Corey Smith (3) count(s) 2s, 3s, 4s, 7s, 8s, 9s, 10s. (Gawlik, Cathy) (Entered: 11/01/2004)
11/01/2004	•41	Judge Morris E. Lasker : ORDER entered ORDER REFERRING CASE to Magistrate Judge Robert B. Collings Reason for referral: Pretrial proceedings re: Superseding Indictment as to Jermaine Anderson, Alfred G. Ryan, Corey Smith (Gawlik, Cathy) (Entered: 11/01/2004)
11/02/2004	•	Electronic NOTICE OF HEARING as to Jermaine Anderson, Alfred G. Ryan, Corey Smith Arraignment set for 11/8/2004 @ 3:15 PM in Courtroom 14 before Magistrate Judge Robert B. Collings.(Russo, Noreen) (Entered: 11/02/2004)
11/05/2004	•	NOTICE OF RESCHEDULING as to Jermaine Anderson, Alfred G. Ryan, Corey Smith Arraignment

		set for 11/9/2004 @ 3:15 PM in Courtroom 14 before Magistrate Judge Robert B. Collings. (Russo, Noreen) (Entered: 11/05/2004)
11/09/2004	•	Electronic Clerk's Notes for proceedings held before Magistrate Judge Robert B. Collings :Arraignment as to Jermaine Anderson (1) Count 1s,2s,3s,5s-6s,7s and Alfred G. Ryan (2) Count 8s,10s and Corey Smith (3) Count 2s,3s,4s,7s,8s,9s,10s held on 11/9/2004. AUSA Hamilton for Gov't, W. Underhill for Jermaine Anderson, J. Ambabile for Alfred G. Ryan, M. Bourbeau for Corey Smith. Defts plead not guilty all counts. (Digital Recording) (Russo, Noreen) (Entered: 11/09/2004)
12/02/2004	•	NOTICE OF HEARING as to Alfred G. Ryan Change of Plea Hearing set for 12/13/2004 10:00 AM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 12/02/2004)
12/20/2004	•	NOTICE OF RESCHEDULING as to Alfred G. Ryan Change of Plea Hearing set for 1/3/2005 10:30 AM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 12/20/2004)
01/03/2005	•	Y Clerk's Notes for proceedings held before Judge Morris E. Lasker :Change of Plea Hearing as to Alfred G. Ryan held on 1/3/2005, Plea entered by Alfred G. Ryan (2) Guilty Count 8s,10s. Sentencing set for 3/21/2005 02:15 PM in Courtroom 8 before Judge Morris E. Lasker. Defendant remains in custody (Court Reporter Richard Romanow.) (Howarth, George) Modified on 2/11/2005 (Howarth, George). (Entered: 01/04/2005)
01/04/2005	• 49	Judge Morris E. Lasker : N ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Alfred G. Ryan Sentencing set for 3/21/2005 02:15 PM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) Modified on 2/11/2005 (Howarth,

		George). (Entered: 01/04/2005)
03/14/2005	•	NOTICE OF RESCHEDULING as to Alfred G. Ryan Sentencing set for 3/16/2005 11:00 AM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 03/14/2005)
03/15/2005	•	NOTICE OF HEARING as to Alfred G. Ryan Sentencing set for 3/16/2005 12:00 PM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 03/15/2005)
03/16/2005	•	Clerk's Notes for proceedings held before Judge Morris E. Lasker :Sentencing held on 3/16/2005 for Alfred G. Ryan (2), Count(s) 10s, 8s, That the defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 57 months.On each count, to be served concurrently.The defendant is to be credited with time served from 4/15/04. The defendant is remanded to the custody of the United States Marshall.Upon release from imprisonment the defendant shall be on supervised released for a term of 6 years. On each count to run concurrently.That the defendant shall comply with the standard conditions of supervised release,plus the special conditions of supervised release as follows: That the defendant shall not possess a firearm, destructive device, or any other dangerous weapon.That the defendant shall submit to the collection of a DNA sample as directed by the Probation Officer. That the defendant is to participate in a program for substance abuse treatment as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay, or availability of third-party payment. If ordered deported, the

		defendant is to leave the United States and is not to return without prior permission of the Secretary of the Department of Homeland Security. Assessment in the amount of \$200.00 which is due immediately. No fine is imposed, based on the Court's finding that the defendant is unable to pay a fine. The defendant is informed of his right to appeal.. (Court Reporter Shelly Killian.) (Howarth, George) (Entered: 03/18/2005)
03/18/2005	63 c	Judge Morris E. Lasker : ORDER entered. JUDGMENT as to Alfred G. Ryan (2), Count(s) 10s, 8s, That the defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 57 months. On each count, to be served concurrently. The defendant is to be credited with time served from 4/15/04. The defendant is remanded to the custody of the United States Marshall. Upon release from imprisonment the defendant shall be on supervised release for a term of 6 years. On each count to run concurrently. That the defendant shall comply with the standard conditions of supervised release, plus the special conditions of supervised release as follows: That the defendant shall not possess a firearm, destructive device, or any other dangerous weapon. That the defendant shall submit to the collection of a DNA sample as directed by the Probation Officer. That the defendant is to participate in a program for substance abuse treatment as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay, or availability of third-party payment. If ordered deported, the defendant is to leave the United States and is not to return without prior permission of the Secretary of the

		Department of Homeland Security. Assessment in the amount of \$200.00 which is due immediately. No fine is imposed, based on the Court's finding that the defendant is unable to pay a fine. The defendant is informed of his right to appeal. (Howarth, George) (Entered: 03/18/2005)
03/18/2005	64	Judge Morris E. Lasker : ORDER entered. STATEMENT OF REASONS as to Alfred G. Ryan (Howarth, George) (Entered: 03/18/2005)
04/07/2005	65	NOTICE OF APPEAL by USA as to Alfred G. Ryan re 63 Judgment,,,,,, Reason fee is not required: Government NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerk/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 4/27/2005. (Howarth, George) (Entered: 04/11/2005)
04/26/2005	71	TRANSCRIPT of Sentencing as to Alfred G. Ryan held on March 16, 2005 before Judge Lasker. Court Reporter: Shelly M. Killian. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-7117 or the Clerk's Office. (Scalfani, Deborah) (Entered: 04/26/2005)